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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,277	10/31/2003	Kenneth J. Lutze	02AB219	1635
7590	06/16/2005		EXAMINER	
Susan M. Donahue Rockwell Automation, Inc. Patent Dept./704P Floor 8 T-29 1201 South Second Street Milwaukee, WI 53204			WUJICIAK, ALFRED J	
			ART UNIT	PAPER NUMBER
			3632	
DATE MAILED: 06/16/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/698,277	LUTZE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Alfred Joseph Wujciak III	3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 31 October 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 31 October 2003 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

This is the first Office Action for the serial number 10/698,277, CAM MOUNTING CLAMP, filed on 10/31/03.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6-7, line 1, "claim 1" should be changed to ---claim 5--- because claim 1 has no support for "the friction member".

Claims 12-13, line 1, "device" is indefinite because it is combination/subcombination problem. "Device" is not positively cited in the preamble of claim 1.

Claims 8-9 are rejected as depending on rejected claim 7.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 5,169,106 to Rasmussen.

Rasmussen teaches a mounting assembly (figure 2) comprising a housing (18) including at least one wall (26) having a slot (30) extending through the wall that is sloped from a distal location to a proximal with respect to a wall (14). The assembly further includes a clamp (12) having a clamp body defining a first surface and a second surface. The clamp body having a shaft (48) extending outwardly thereof. The clamp includes a flange (46) extending outwardly from the shaft and sized to be received in the slot. The clamp body defines a first surface (side wall adjacent to flange, 46) and a second surface (side wall transverse from first wall) and a curved surface (arc shaped between first and second surfaces). The first surface comprises an end wall and the second surface comprises a side wall. The clamp comprises at least one friction member (78) extending inwardly from the flange. The friction member defines a distance to the clamp body that is less than a thickness of the side wall. The assembly includes a notch (140) to gauge clamp position within the slot. The slot includes a keyhole operable to receive the flange. The device is an industrial control device/human machine interface (medical instrument).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rasmussen.

Rasmussen teaches a mounting assembly (figure 2) comprising a housing (18) including at least one wall (26) having a slot (30) extending through the wall that is sloped from a distal

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location to a proximal with respect to a wall (14). The assembly further includes a clamp (12) having a clamp body defining a first surface and a second surface. The clamp body having a shaft (48) extending outwardly thereof. The clamp includes a flange (46) extending outwardly from the shaft and sized to be received in the slot. The clamp body defines a first surface (side wall adjacent to flange, 46) and a second surface (side wall transverse from first wall) and a curved surface (arc shaped between first and second surfaces). The first surface comprises an end wall and the second surface comprises a side wall. The clamp comprises at least one friction member (78) extending inwardly from the flange. The friction member defines a distance to the clamp body that is less than a thickness of the side wall. The assembly includes a notch (140) to gauge clamp position within the slot. The slot includes a keyhole operable to receive the flange. The device is an industrial control device/human machine interface (medical instrument).

Rasmussen teaches all elements above but fails to teach the use of elements in method. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have specified elements in step to provide convenience for setting up a device on the wall.

***Allowable Subject Matter***

Claims 7-9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The prior art fails to teach wherein the friction member engages the side wall when the clamp is rotated.

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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6/7/05